

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DAVID MALONE,** :  
**Petitioner,** :  
**vs.** : **CIVIL ACTION 08-0305-CG-C**  
**STATE OF ALABAMA,** :  
**Respondent.** :

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice for failure to prosecute and to obey the Court's order.

**DONE and ORDERED** this 18<sup>th</sup> day of August, 2008.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE